

REMARKS

Claims 1-21 are pending.

Claims 3, 5, 8, 11 and 16-18 are considered to contain allowable subject matter.

The claims have been amended to be in better U.S. form and to remove unnecessary limitations such as the term "consist".

Claims 1, 2, 4, 10 and 21 stand rejected as anticipated by Klingaman, U.S. 4,088,246.

Claim 1 is the independent claim of this group and the other claims depend from it.

In rejecting claim 1 the Examiner takes the position that Klingaman discloses a device for a container provided with an opening and flexible wall, the device comprising at least one tank (46) insertable into the container (35) in an operating position; at least one release mechanism insertable into the container (35) in operating position, said release mechanism being capable of cooperating with the tank in order to connect the tank with the interior of the container (35) in response to a pressure exerted on said release mechanism via the wall of the container (35); a support means (41) insertable into the container (35) to support in operating position the tank and the release mechanism in relation to the container (35), the support means (41) having a fastener (36) to fix the support means (41) on the container (35) close to the opening.

Claim 1 has been amended to read:

at least one release mechanism insertable into the container in operation position, said release mechanism being capable of cooperating with the tank in order to connect the tank with the interior of the container in response to a pressure exerted on said release mechanism via the flexible wall of the container;

The flexible wall of the container is recited in the preamble of claim 1.

Throughout Klingaman, it is mentioned that the frangible bottom wall (52 in Fig. 10 and 81 in Fig. 16) of the capsule (20 in Fig. 1, 46 in Fig. 10 and 77 in Fig. 16 of Klingaman), which

corresponds to the tank (46) of the subject invention, is pierced in response to a movement of the capsule toward the interior of the capsule. This movement can be a downward movement axial of the closure cap, as per column 4, lines 57-60. It may also be a movement toward the interior of the container due to the rotation of the capsule, as explained in column 5, lines 39-44 and column 8, lines 42-44.

It should also be noted that in Klingaman it is always the bottom wall of the capsule that is pierced under the action of such downward or rotational movement.

Applicant also notes that while the wall of Klingaman's container (10, 35 or 70) may be flexible or squeezable, as per column 5, lines 15-19 and column 8, lines 9-14, the flexibility of the container's wall is to allow the liquid of the container to be expelled under a pressure exerted on the wall. In other words, the piercing of the frangible bottom walls of the capsule is not obtained via a pressure exerted on the container's wall. It is obtained via a downward movement applied on the capsule. In Klingaman, when a pressure is exerted on the container's wall, it is only to expel the liquid within the container.

In Applicant's invention the pressure exerted via the flexible wall of the container is a lateral pressure rather than a downward axial or rotational movement. In addition, as per the configuration of the invention, the pressure cannot be exerted directly on the tank, but must be exerted via the container's flexible wall.

Claim 1 recites novel and advantageous subject matter that is neither taught nor suggested by Klingaman. Therefore, this claim and its dependent claims 2, 4, 10 and 21 are clearly patentable and should be allowed.

Claims 6, 7, 9, 12-15, 19 and 20 are rejected as being unpatentable over Klingaman. These claims depend either directly or ultimately from claim 1 and recite further features that add to the novelty of the invention. Therefore, these claims also are patentable and should be allowed.

The other art cited has been considered and is not deemed pertinent.

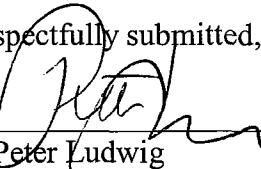
Application No. 10/552,239
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Prompt and favorable consideration is requested by passing the application to issue.

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